IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

WILLIAM E. DUGAN, *et al.*,	)	
	)	
Plaintiffs,	)	CIVIL ACTION
	)	
vs.	)	NO. 08 C 3487
	)	
BURT, INC., an Indiana corporation,	)	JUDGE MILTON I. SHADUR
	)	
Defendant.	)	

AFFIDAVIT

STATE OF ILLINOIS	)
	) SS.
COUNTY OF COOK	)

DAVID S. BODLEY, being first duly sworn upon his oath, deposes and states:

1.   He is now, and has since the first day of May, 1999, been employed by the Trustees of the Midwest Operating Engineers Fringe Benefit Funds as administrative manager, and in such capacity, has personal knowledge of the matters hereinafter set forth and if called as a witness in the instant proceedings is competent to testify in respect thereto.

2.   He has read the Complaint filed in this cause, and knows of his own personal knowledge the contents of the collective bargaining agreements and Agreements and Declarations of Trust and all facts alleged therein, and if called and sworn as a witness is competent to testify thereto.

3.   Among his responsibilities and duties, he is charged with keeping and maintaining records of contributions received by the Plaintiffs from participating employers, main-

tains individual records on each person, firm, and corporation required to make contributions to the

Plaintiffs Funds, receives and records contributions reports made by such persons, firms or

corporations, has under his supervision and direction all books, records, documents and papers

relating to such Plaintiffs Funds, and has been delegated the authority by all other Plaintiffs to

coordinate and supervise the recovery of delinquent employer contributions on their behalf, receiving

thereby access to all necessary information.

4.   That he has examined the account of Defendant, BURT, INC., an Indiana

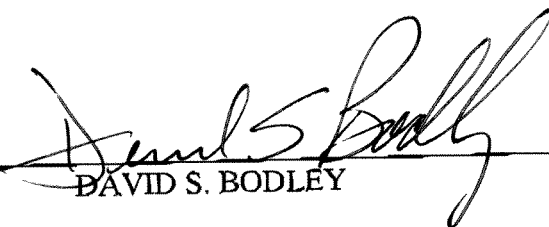corporation, in the above-entitled action, and states that said, Defendant:

a.   Is required to submit monthly contribution reports accompanied by payment of fringe benefit contributions, under the terms of a written agreement specifying and describing such obligation;

b.   Has failed to submit to Plaintiffs the monthly contribution reports and contributions required of it, or all of them, despite repeated notification from his office to said Defendant of such delinquency.

5.   Because of the Defendant's failure to submit the required monthly contribution

reports for October 2007 through May 2008, Affiant is unable to determine the amounts, if any, that

may be due and owing to Plaintiffs.

6.   That he is duly authorized by Plaintiffs in the making of this Affidavit, has

personal knowledge of the matters set forth above, and if called as a witness is competent to testify

thereto.

6.   That he makes this Affidavit in support of the application of Plaintiffs for

entry of default and for an order requiring Defendant to turn over its required monthly fringe benefit

contribution reports for October 2007 through May 2008 and requests that this Court consider it as

proof in support of the allegations contained in the Complaint and such other facts as herein set forth.
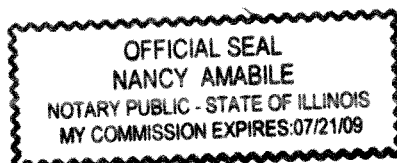
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FURTHER AFFIANT SAYETH NOT.

_____
DAVID S. BODLEY

SUBSCRIBED AND SWORN
TO before me this _22nd_
day of July 2008.

_____
NOTARY PUBLIC

OFFICIAL SEAL
NANCY AMABILE
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:07/21/09

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of David S. Bodley) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 31st day of July 2008:

> Mr. John F. Burt, Registered Agent
> Burt, Inc.
> 11836 Woodmar Place
> Cedar Lake, IN   46303

/s/   Cecilia M. Scanlon

Cecilia M. Scanlon
Attorney for Plaintiffs
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